HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 9973 OF 2005

DATED: 08.12.2005

Between:

A. Bhanu Prasad and another

… Petitioners

and

The Director, National Insitutute of

Technology, Warangal, and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.9973 OF 2005

ORAL ORDER:

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Writ Petition is filed by 2 persons claiming to have been appointed as

Computer Programmers in the National Institute of Technology, Warangal, during 1996 and 1999 respectively.

They claim to have been appointed on a consolidated pay along with a number of other employees. They earlier filed W.P.No.22468 of 2003 seeking regularization of service, on the ground of having been for long in casual employment. This writ petition is filed for a direction to the respondents to pay them minimum wages.

In the counter affidavit, the petitioners do not plead any particulars as to the notification of the appropriate Government specifying the minimum wage for the post to which they are appointed. A vague assertion that minimum wage is not being paid is pleaded.

The writ petition contains a rhetoric that as long as they are working “it is the minimum obligation on the part of the respondents who are supposed to be model and enlightened employer to pay minimum wages to us and others who are working on consolidated pay.”

What is the minimum wage payable, what is the post to which the petitioners have been appointed, what is the minimum wage prescribed for the post to which they were appointed and by which notification of the Government; are all facts which the petitioners have not chosen to plead. Along with the writ petition is filed a notification of the State Government in the Andhra Pradesh Gazette dated 26.7.2004. The post of a Computer Programmer does not find mention in the schedule to the Gazette notification which deals with Revision of minimum rates of wages in the employment in “Hostels of all colleges and all other educational institutions.”

At the hearing of the writ petition, the learned counsel for the petitioners relies on a letter dated 20.12.2004 addressed by the Professor and Head of Department of

Mechanical Engineering to the Director of the National Institute of Technology. In this letter, the Professor and Head of Mechanical Engineering Department states that the 1st petitioner was working either on daily wage or consolidated wage from December, 1996 and is being paid a minimum of Rs.2,700/- per month with effect from 1.2.2003 and that thereafter there was no increase in his consolidated pay. The letter while requesting accord of approval for continuing the 1st petitioner in service, recommended enhancement of his pay. On that the 1st respondent-Director appears to have noted that the 1st petitioner's continuance is approved from 1st January to 31st March, 2005 and that he be paid a consolidated amount of Rs.2,800/- per month.

This is certainly not a basis, at any rate a sound basis for a claim for minimum wages, under the Minimum Wages Act. No other material is either pleaded, urged, or demonstrated before this court, warranting grant of any of the reliefs sought.

In the circumstances and on the analysis above, the writ petition is misconceived and is accordingly dismissed. There shall however be no order as to costs.

GODA RAGHURAM, J

Date: 08.12.2005

cvm